

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
IN INSOLVENCY
PETITION NO.105 OF 2006.

Re : Ricky Velladares Debtor.

Ex-parte :

Radhakrishna K. Shetty Petitioning Creditor.

Mrs. Kalpana K. Shah for Petitioning Creditor.

CORAM : [A.M.KHANWILKAR](#) J.
DECEMBER 4, 2007.

P. C.

1. The present Petition is founded on the decree passed by the Court against debtor on 8th June 2005 in Summary Suit No. 659 of 2003, Summons for Judgement No.799 of 2003. As the debtor failed to pay the amount, Insolvency Notice No.N/107 of 2006 dated 17th June 2006 was issued, which was duly served on the debtor on 10th July 2006. In spite of service, debtor failed to pay the decretal amount. In that sense, act of insolvency was completed on 15th August 2006.

2. As the debtor failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor has had no option but to take out the present action, which has been filed on 10th November 2006. The debtor has been duly served personally on 23rd January 2007 with substituted notice in

the present action, as per the liberty given to the Petitioning Creditor to effect service by substituted mode. In spite of such service, none appears for the debtor. No reply has been filed. As no explanation has been offered on behalf of the debtor, Petition ought to succeed in terms of prayer clause (a) and (b).

. Ordered accordingly.

A. M. KHANWILKAR, J.